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American Samoa

Working paper prepared by the Secretariat

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I. Background information

1. American Samoa[1] is located in the South Pacific approximately 3,700 kilometres south-west of Hawaii and 4,350 kilometres north-east of Australia. It consists of seven islands (Tutuila, Aunuu, Ofu, Olosega, Tau, Swains and Rose) and several lesser islands belonging to the Samoan group. The total land area is 197 square kilometres, about 70 per cent of which is covered by dense forest. Tutuila, where Pago Pago, the capital, is located, is the largest island; it constitutes 70 per cent of the total land area and is home to 95 per cent of the population.[2]

2. It is generally believed that the Samoan archipelago was settled some 3,000 years ago by people migrating into the Pacific from South-East Asia. The Dutch were the first Europeans to find these islands, in 1722. Some settlers came to the islands in the early 1800s, followed by missionaries in 1830. By the late 1800s, internal strife among the chiefs and struggles among the colonial Powers of Germany, Great Britain and the United States of America led to a period of instability. Deeds of cession of these islands to the United States were formally accepted by means of an Act of Congress on 20 February 1929. Pursuant to this Act, the native inhabitants were given the status of American nationals. The Act provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. As the American interest in the area had been mainly military, the Territory was placed under the jurisdiction of the United States Navy. In 1951, an executive order transferred authority over the Territory to the Department of the Interior.

3. According to Central Intelligence Agency estimates for July 2005, the population of American Samoa was 57,881, of which 51.2 per cent was male and 48.8 per cent was female. The median age is 22.8 years. Ethnically, the population breaks down into 89 per cent Samoan/Polynesian, 2 per cent Caucasian, 4 per cent Tongan and 5 per cent others. Of the native population, 56.7 per cent were born in American Samoa, 6.3 per cent were born in the United States and 36.1 per cent were foreign born. Some 90.6 per cent of the population 5 years of age and older speaks Samoan, which is closely related to Hawaiian and other Polynesian languages, and English; and 2.9 per cent speaks English only. Half of the population is Christian Congregationalist (50 per cent), followed by Roman Catholic (20 per cent) and Protestant and others (30 per cent).[3] It is estimated that more Samoans live abroad than in American Samoa, some 70,000 Samoans live in the United States, and of that number 20,000 live in Hawaii.[4]

II. Constitutional, legal and political issues

4. American Samoa is a Non-Self-Governing Territory under the administration of the United States of America. The Constitution adopted in 1960 was revised in 1967 and was subsequently amended in 1970 and 1977. Any amendments or modifications to the Constitution of American Samoa (as approved by the Secretary of the Interior) may be made only by an act of the United States Congress. In 1978, the people of American Samoa for the first time elected their own Governor. The current Governor is Togiola T. A. Tulafano, who was elected in 2004. His term will expire in November 2008, when the next elections are held. Since 1981, American Samoa has also elected, by direct vote, a non-voting delegate to the United States House of Representatives, who can, however, vote in committees. The current

delegate is Congressman Eni F. H. Faleomavaega, who is serving his ninth consecutive term. In December 2005, the Congressman started his campaign for re-election in the 2006 general elections.[5]

5. As American Samoa is an "unincorporated and unorganized" Territory of the United States, not all provisions of the United States Constitution apply. Residents of American Samoa are not United States citizens. They cannot vote in the United States general election but are permitted to participate in presidential primaries and caucuses. They are United States nationals who can freely enter the United States and work or reside anywhere they choose.

6. The Constitution of American Samoa provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a Governor and a Lieutenant-Governor elected for four-year terms by universal adult suffrage. All American Samoans over 18 years of age are eligible to vote. The Governor is responsible for executing both American Samoan and United States laws and has veto power with respect to legislation passed by the Fono. The Fono is a bicameral legislature, which comprises an 18-member Senate whose members are chosen by 14 traditional tribal councils, and a 21-member House of Representatives, 20 of whom are elected by popular vote and one is appointed as a non-voting delegate from Swains Island. Only matais (or chiefs) can become senators. Senators hold office for a four-year term and representatives for a two-year term. The Fono may pass laws with respect to all local affairs, provided its laws are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

7. Currently, preparations are under way in the Territory for the holding of a constitutional review (see paras. 41-43). On a related matter, in October 2005, Congressman Faleomavaega introduced in the United States House of Representatives a proposal to repeal the current requirement whereby any amendment or modification to the Territory's Constitution may only be made by an act of the United States Congress.[6] The Congressman has stated that such a step is vital to the Territory's political development as it would allow more local control over the governing process.[7]

8. The judiciary system consists of the High Court, with the Chief Justice and the Associate Justices appointed by the Secretary of the Interior, and the local District and Village Courts, with the judges appointed by the Governor. The current Chief Justice is the first native Samoan to be appointed to the position. The High Court is separated into Appellate, Trial and Land and Titles divisions. Since American Samoa is not part of a United States federal judicial district or circuit, there are no statutory provisions for appealing decisions of the High Court. American Samoa laws are textually identical to United States laws ("mirror laws"), where all references to the United States are substituted by references to American Samoa.

9. The question of whether federal laws are applicable to the Territory and whether decisions affecting numerous issues in the Territory can be taken at the federal level has been widely discussed at the federal and local levels for several years. On the electoral front, Congressman Faleomavaega has made proposals to change federal legislation to allow for plurality vote instead of majority vote in territorial elections. In 2004, the United States President signed into law a bill allowing for the American Samoan delegate to be elected by plurality rather than majority if the territorial Legislature so decides (see A/AC.109/2005/15, para. 10).

In a broader context, recently American Samoa's House of Representatives decided not to support a bill introduced by Congressman Faleomavaega on federal court jurisdiction for fear it would subject the Territory's land tenure system to federal court review.[8]

10. With respect to immigration, American Samoa has its own laws, and entry into the Territory by foreigners is not the same as entry into the United States (in contrast with Guam, where United States immigration laws apply).[9] According to a resolution passed in 2002 by the House of Representatives of American Samoa, children born in the Territory to foreign parents become citizens of either the mother's or the father's country of origin, not United States nationals.[10] In 2003, the new Immigration Law of American Samoa came into force, changing eligibility requirements for permanent resident status in certain categories, and giving the Attorney General, instead of the Government-appointed board, full authority over granting eligibility. This change allows many individuals who reside in the Territory for a long period of time to acquire permanent resident status.[11]

III. Budget

11. The main business of the Government of American Samoa is the management and distribution of the territorial budget, which consists primarily of federal grants in aid and capital subsidies allocated annually through the Department of the Interior, and locally generated revenue. In the Territory's traditional communal system, leaders are responsible not only for the preservation of the social order but also for the economic welfare of the extended family. The federal Government underwrites most of the cost of preserving this system. This affiliation allows the United States to have access to and use of the Territory for defence and other purposes.

12. In recent years much attention has been focused on the need to improve the financial accountability of the Territory. At the start of 2005, the Governor stated that measures undertaken during the previous eight years by his predecessor and continued by him to improve the Territory's financial status through fiscal reform had paid off. Government departments had cut and tightened spending, and revenue collection had greatly improved, especially at the Customs Office and Tax Division. Thus, the Government was beginning 2005 with a surplus of $4 million.[12] In June 2005, however, the Government revised its estimates and forecast a shortfall by the end of the fiscal year, inclusive of the previously reported $4 million surplus, with projected expenditures for 2005 standing at $77.5 million, and projected revenues at $76.6 million. Strict spending controls were recommended to counteract this trend.[13] The annual budget of the Government of American Samoa for fiscal year 2006, which started on 1 October 2005, was $254 million. Of that amount, $88 million came from special federal grants and $73 million from Enterprise Funds; $58 million came from local revenues, with taxes providing $48.7 million, and $33.2 million from grants-in-aid and capital improvement projects funded by the Department of the Interior.

13. Meanwhile, throughout the reporting period the federal Government continued to call for greater financial accountability. In January 2005, the investigative branch of the United States Congress, the General Accounting Office, reported that instances of theft and fraud by officials of the Government of American Samoa had

weakened the accountability of most federal grants awarded to the Territory and recommended that it be declared a "high-risk grantee". The Department of the Interior argued that many of the measures that came with a high-risk declaration were already being applied in the Territory.[14] In May 2005, the Department reported that it had awarded the territorial Government $208,000 to hire consultants to assist in completing financial statements and audits for the past two fiscal years.[15] Further, in its semi-annual report to the United States Congress released on 1 December 2005, the Office of the Inspector General of the Department of the Interior recommended that an active partnership was needed between the territorial Government and the Office of Insular Affairs in order to break what it referred to as "the cycle of fiscal crisis" in American Samoa.[16]

14. During his state of the Territory address, delivered to the Fono on 9 January 2006, the Governor stated that the Government was determined to avoid the miss-steps that had "engendered the ire of [their] United States counterparts in years past". Accountability and transparency were increasing and, for the first time since 1991, American Samoa would be current with its single audit compliance by the end of January 2006. As a result of austere practices, Department of the Interior funding for capital improvement projects would be increased from $9.5 million in 2006 to $10.5 million in 2007.[17]

IV. Economy

A. General

15. About 93 per cent of American Samoa's economy is based on United States federal expenditures and the canning industry. Tuna fishing and processing are the backbone of the private sector (see paras. 19 and 20 below). The remaining 7 per cent of the economy stems from a small tourism industry and a few businesses that sell exclusively to the local market. The largest trading partner of American Samoa is the United States, followed by New Zealand, Australia and Fiji. Some 90 per cent of goods and products are imported, including food and petroleum products, machine parts, building materials, textiles and clothing. Attempts by the Government to develop a larger and broader economy are constrained by the Territory's remote location, limited transportation and devastating hurricanes, as well as competition from neighbouring islands with lower wage levels and from larger, more efficient businesses in the United States. These conditions have led some 70,000 Samoans to seek livelihoods outside the Territory (see para. 3).[4]

16. In September 2004, the Department of the Interior organized a conference to stimulate economic development in American Samoa. The Secretary of the Interior highlighted some of the Territory's competitive advantages, including duty-free access to the United States, an English-speaking workforce of over 17,000 people, locally controlled immigration and well-developed infrastructure (satellite telecommunications and Internet capabilities and established industrial parks). He also drew attention to business opportunities in export-oriented manufacturing (such as tuna processing) and professional services (management contracts, workforce-management training and technology consulting services), ecotourism and conference tourism, tax exemption incentives and international banking services.[18]

17. In January 2006, the Governor stated that American Samoa's economy was growing, with the gross domestic product up by 3 per cent from 2003 figures. He also reported a total of 3,157 business applications processed in 2005, an increase of 4.5 per cent over applications in 2004. In addition, he said there was healthy competition for goods and services, with the Territory spending over $14 million in 2005 from 2,000 local vendors.[17]

B. Agriculture and fisheries

18. Agriculture, hunting and forestry employ less than 3 per cent of the population and provide little surplus for export. The most important crops include. taro, coconuts, bananas, oranges, papayas, breadfruit and yams. According to the Department of Agriculture, at present, the Territory covers 95 per cent of its food needs through imports.

19. The fishing industry constitutes 90 per cent of the Territory's economy and employs one third of its workforce. American Samoa's tuna industry is the fourth largest in the world, with tuna processed in the StarKist and Chicken of the Sea canneries accounting for 97 per cent of the Territory's exports and meeting 20 per cent of the United States market. However, the future viability of this industry in the Territory depends on its continued tax exemption and competitive wage scales. As previously reported, the Government is concerned that the phasing out of tariff barriers to other tuna-processing countries through the Andean Trade Preference Act and the Association of Southeast Asian Nations could devastate the Territory's tuna industry. During the reporting period, the Government and the American Samoa delegate to the House of Representatives continued to lobby for the extension of the Internal Revenue Service section 936 federal tax benefits. On 8 February 2005, Congressman Faleomavaega introduced legislation to extend this tax benefit to American Samoa's tuna industry for 10 additional years.[19]

20. In his 2006 state of the Territory address, the Governor noted that there remained excellent potential for the local fishing industry. Regarding section 936, he said that an alternative package presented to the United States Congress was also being circulated to canneries. This package encompassed the portions of the tax provision most beneficial to canneries but also allowed for its wider application to other businesses interested in locating to the Territory. The Governor noted that he had invited leaders and staff of the Senate Energy and Natural Resources Committee and others to the Territory to see first hand what a huge role section 936 played in its development.[12]

C. Tourism

21. According to the Governor, American Samoa is on the verge of privatized tourism that is sector-based and community responsive. In 2005, cruise ships brought some 6,500 visitors to the Territory, which increased short-term seasonal employment and opportunities for sales of local arts and handicrafts, but land-based tourism is still very limited. In 2005, an Ecotourism Plan for American Samoa was prepared by the University of Hawaii's Pacific Business Center Program and its School of Travel Industry Management, to attract a new type of visitor. According to the Ecotourism Plan for American Samoa report, the Territory has an estimated

visitor room inventory of 449,406 on Tutuila, and 43 on other islands. The 181-room Government-owned Rainmaker Hotel is in disrepair and is currently inactive.[20]

22. In his 2006 state of the Territory address, the Governor noted that another hotel, Sadie's by the Sea, would add 42 rooms to the local accommodation capacity. He also confirmed that ecotourism was being developed through partnerships between the Tourism Office, local businesses and organizations such as the Pago Pago Visitors Association.

D. Transport and communications

23. There are approximately 150 kilometres of paved roads and 200 kilometres of secondary roads in American Samoa. The highway system is generally in poor shape owing to the effect of hurricanes, the age of the roads and inadequate maintenance. The Governor reported that the Department of Public Works had recently completed projects worth $2.4 million, including the building of roads to Utulei and Vaitoji villages and the repair of the Futiga-Leone Road. Further road works are planned in 2006.

24. Pago Pago harbour is an all-weather deep-draught harbour, one of the best natural deepwater harbours in the South Pacific Ocean and of strategic importance in the region. The main dock is 1,000 feet long, handling ships of up to a 32-foot draught. Pago Pago harbour provides the full complement of equipment and facilities and has a ship repair facility with a 3,000-ton marine railway.[3]

25. There are four airports in the Territory, situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. In October 2005, the United States Federal Aviation Administration awarded American Samoa $7.4 million for airport improvements. Of that amount, $6.4 million are for improvements at Pago Pago, including the construction of an aircraft rescue and fire fighting training facility, three aircraft rescue vehicles and an update of the airport's master plan study. The Territory's main airport is regularly served by a number of airlines that link American Samoa with Hawaii and the United States mainland and other countries in the South Pacific. Hawaiian Air provides direct air service to Honolulu. Air New Zealand and Air Pacific provide air service to New Zealand, Australia, Fiji, Vanuatu, Tonga, New Caledonia, Tahiti and the Cook Islands. Samoa Air flies to Tonga and other destinations and is available for charter. Samoa Air makes several flights a day between Pago Pago and Apia, the capital of Samoa. In addition, a new international airline, Polynesian Blue, began operations in November 2005. The result of the merger between Samoa's flag carrier Polynesian Airlines and Virgin Blue, Polynesian Blue is expected to operate between Samoa, American Samoa and Sydney, Australia.[21]

26. The Territory has four radio stations and a Government-owned television station, two privately owned newspapers, a Government-owned American Samoa TeleCommunications Authority and the privately owned Blue Sky Communications. In 2005, the Territory entered the North American telephone numbering plan, resulting in some of the lowest long distance telephone rates ever recorded. In addition, an equal access measure allowed American Samoans to choose their favourite long-distance telephone carrier, leading to both the American Samoa

TeleCommunications Authority and Blue Sky lowering their rates for Internet, long-distance communications and local wireless.

E. Water, sanitation system and utilities

27. The American Samoa Power Authority (ASPA), which is Government-owned, provides water, wastewater, solid-waste and electric services to customers on five of the seven islands. ASPA provides safe drinking water to 90 per cent of the Territory from 57 wells, with the remaining part being serviced by outer-village systems. In June 2005, a report published by the United States Environmental Protection Agency indicated that American Samoa would need to spend more than $30 million on infrastructure to ensure safe drinking water in the future and to protect public health. Regarding electricity production, the Governor has highlighted the negative aspects of the Territory's dependence on petroleum. He has directed the territorial Energy Office and American Samoa Power Authority to determine the feasibility of alternative energy production such as wind power and ocean thermal plants.

V. Social conditions

A. Labour

28. Statistics from 2000 place the per capita income of American Samoa at $8,000 and the unemployment rate at 6 per cent.[3] The total labour force consists of over 17,000 workers, about one third of them aliens, mostly from Samoa. The largest employer is the cannery industry which provides over 5,000 jobs, followed very closely by the Government of American Samoa, which has another third of the workforce on the payroll. The remaining one third of workers is in the secondary economy, which provides goods and services to the canneries and consists mainly of retail and service enterprises.

29. American Samoa is one of the two United States Territories in which employers are allowed to pay workers less than the mainland minimum wage to ensure compatibility with the prevailing cost of living. Wages in the Territory are set not by federal law but by recommendation of a special United States Department of Labor committee that reviews economic conditions every two years and establishes minimum wages by industry under the Fair Labor Standards Act. As of October 2003, the Department of Labor guaranteed the minimum hourly wage for Government employees at $2.77, for fish canning and processing at $3.26 and for shipping and transportation at $4.09.[22] In his state of the Territory address in January 2005, the Governor announced that he would submit legislation to the Fono to fund a salary increase for Government workers making less than $40,000 a year to keep up with the high cost of living in the Territory. In June 2005, testifying before the United States Special Industry Committee, Congressman Faleomavaega announced his support for a minimum wage increase in American Samoa, especially for cannery workers, and called upon StarKist to be fair to its workers.[23]

30. As reported in previous working papers, a 1996 Government-sponsored attempt to launch a garment manufacturing sector in the Territory involving foreign workers led to a class-action suit and a case against the owner of Daewoosa garment factory. After a lengthy legal process, on 23 June 2005 the United States Department

of Justice in Washington, D.C., announced the sentencing of the owner of the Daewoosa factory to 40 years in prison for his role in holding over 200 Chinese and Vietnamese garment workers in forced servitude. This case was prosecuted by attorneys from the Criminal Section of the Justice Department's Civil Rights Division and was investigated by the Honolulu regional office of the Federal Bureau of Investigation. The victim witness coordinator in the United States Attorney's Office also assisted with the case.[24] This case has become key in testing the applicability of United States federal jurisdiction within the High Court of American Samoa.

B. Education

31. Education is compulsory from 6 to 18 years of age. The educational system in American Samoa is broadly based on the United States pattern. There are 30 public primary, 6 private and 160 village schools. American Samoa Community College offers two-year degree courses in arts and sciences and programmes offering certificates of proficiency in vocational and clerical skills, business and nursing. San Diego State University offers bachelor's and master's degree programmes in Tutuila, which enable students to obtain an advanced college degree without moving off-island.

32. Despite a high literacy rate of 97 per cent, American Samoa recently received the lowest average score in the National Assessment of Educational Progress administered nationwide by the federal Department of Education and was also given a "high risk" status regarding the use of educational funds. In January 2005, the Governor noted that the "high risk" status had been addressed with auditing policies to win back the confidence of the Department of Education. He also announced the addition of new classrooms to accommodate growing elementary school enrolment, improvements in high school campuses and facilities, and surplus funds to increase teachers' wages. In his 2006 state of the Territory address, the Governor noted that test scores for the Territory's children were improving in each subject area. He added that the local Department of Education was developing specially tailored standards-based tests to measure achievement in relation to the curriculum set forth locally. He noted that $1 million had been invested in teacher scholarships and $463,000 made available to encourage students to attain advanced degrees. Furthermore, efforts were being made to invest in technology through the Pacific Information and Communications Technology Academy, established in 2005, and the first long-distance training being offered by the University of Hawaii Telecommunications Information Policy Group in collaboration with educational centres in American Samoa.

33. The Society for Indigenous Education in American Samoa is planning to open the first Samoan language university, Amosa o Savavau, in 2006. Samoan is the first language of most local students. The programmes are expected to improve the performance of students who are presently taught in the English language, and will offer classes in economics, Samoan speech composition, language acquisition and language development.[25]

C. Public health

34. Life expectancy in the Territory is 75.84 years, with male life expectancy at 72.27 years and female life expectancy at 79.62 years. Most social programmes including those related to public health, are funded by the federal Government. The main hospital in the Territory, the Lyndon Baines Johnson (LBJ) Tropical Medical Center, has 140 beds and a staff of 25 physicians. Medical, dental and pharmaceutical services in the Territory are available 24 hours a day. For serious cases, off-island treatment, including hospitalization in Guam, Hawaii or the United States mainland, is provided.

35. In response to a critical shortage in medication at the Medical Center, the Governor agreed, in March 2005, to use special funds to provide $500,000 to meet the crisis. In December 2005, the United States House and Senate passed a bill to significantly increase Medicaid payments for the United States Territories. American Samoa will receive an increase of $2 million for fiscal year 2006 and $4 million for fiscal year 2007. American Samoa's Medicaid funding will double by 2008. This bill was in response to a White House initiative on Asian Americans and Pacific Islanders and was part of the American Medical Association's Commission to End Health Care Disparities.[26] In January 2006, the Governor stated that the American Samoa Medical Center had received $1 million in flood insurance payments, which was used to fund much needed autoclave to burn biohazardous waste produced by the hospital. Other capital improvements for the hospital included $2 million for safety upgrades and additional housing.[17]

VI. Environment

36. According to the World Wildlife Fund, American Samoa contains one of the 10 most vulnerable forests in the world and only 0.2 per cent of the forest is protected. The Forest Service of the United States Department of Agriculture, in partnership with the territorial Government, has been implementing a number of programmes aimed at promoting the health and productivity of the Territory's forest lands. These programmes are focused on public education and tree planting, agroforestry, water resources, coastal stabilization, community beautification, late successional rainforest tree species, wood products, wildlife and conservation practices. In 2002, the Government of American Samoa bought 2,872 acres of forest from Salelologa village, an area rich in biodiversity, and in August 2004, the Minister for Natural Resources and Environment announced that it would become a national park.[27] To help mitigate the effects of human use, the American Samoa Coastal Management Program was established for the coastal zone, which includes all land (126 miles of coast) and sea within 3 miles of the shoreline.

37. Hurricanes and tropical storms pose a great threat to American Samoa. The typhoon season runs from December to March. Normally the islands are not on the storm track. However, in the past 10 years, the Territory has been affected by the El Niño phenomenon.[2] Federal disaster funds were made available after the Territory was struck from 15 to 21 February 2005, by high winds, high surf and heavy rainfall associated with tropical cyclone Olaf. The Federal Emergency Management Agency provided assistance for replacement of disaster-damaged facilities.[28] In November 2005, the federal Government directed the Department of Homeland Security to allocate $468,716 to American Samoa under the fiscal year 2006 emergency

management performance grant programme to allow the Territory to respond more effectively to local emergencies.[29]

VII. Relations with international organizations and entities

38. American Samoa is a member of several regional organizations, including the South Pacific Commission, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association, the Asian-South Pacific Bureau of Adult Education, the Pacific Asia Travel Association, the South Pacific Regional Environment Programme and the Council of Pacific Arts. It also belongs to such United States organizations as the National and Western Governors' Conferences. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to a number of countries in the Pacific region.

39. American Samoa belongs to various regional bodies of the United Nations system, including the World Health Organization (WHO), the Regional Office for the Western Pacific and the WHO Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies. The Territory has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988.

40. In October 2002, American Samoa joined the South Pacific Applied Geoscience Commission. The Territory is reportedly seeking assistance from the Commission in the development of its water resources and advice on reducing the risk of natural disaster.

VIII. Future status of the Territory

A. Position of the territorial Government

41. The Government of American Samoa delivered a message to the Special Committee at the regional seminar held from 17 to 19 May 2005 in Saint Vincent and the Grenadines.[30] Speaking on behalf of Governor Tulafono, Mr. Lelei Peau noted that the position of the people of American Samoa has been consistent with their desire to retain their political status with the United States. They were independent within a federalized system of self-governing States and Territories. Federal agencies and programmes were designed to bring a self-governing territory, such as American Samoa, together with other states and territories for their common good. They had self-determination over their own local affairs and worked with the federal Government on issues of collective importance, such as protection of ocean resources and foreign affairs.

42. He noted that American Samoa had made progress on the issue of self-governance and was in the process of calling for a constitutional review. The review budget had been submitted to the Fono and they were supportive of an open and free discussion of the political relationship between the Territory and the federal Government of the United States. Two issues needed to be clarified before conducting this constitutional convention: a clear definition by the Special

Committee of how self-determination was different from what American Samoa was doing, and a detailed process on what the Special Committee believed American Samoa needed to do to achieve self-governance different from what they were currently doing.

43. The representative noted further that the constitutional convention was a very important undertaking, as it would involve a broad range of American Samoan citizens, their status in the world community and their continuing status with the United States Government. The people must have ample time to understand and consider this issue and determine their political future. In the past, the American Samoa government had asked the United Nations to de-list the Territory as a "colony" of the United States. The outcome of the convention would further clarify what their future status should be in the eyes of the citizens and legislature of American Samoa. He asked the Special Committee to review the colonial issue, keeping in mind the wishes of the people directly impacted, and to support the upcoming constitutional convention.

B. Position of the administering Power

44. The United States has not expressed an official position at the United Nations regarding its non-self-governing territories since 9 December 2003, when a representative stated at the 72nd plenary of the fifty-eighth session of the General Assembly that its remaining Territories were already to a large extent self-governing (see A/58/PV.72). The representative said that for that reason the United States could not support the draft resolution (A/58/L.21) on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, because by adopting a narrow definition of decolonization, the draft resolution failed to take into account the complex reality of Non-Self-Governing Territories. For the United States, the very term "non-self-governing" seemed inappropriate for those who were able to establish their own Constitution, elect their own public officers, have representation in Washington, D.C., and choose their own economic path.

45. The United States was fully supportive when countries chose independence and was proud to welcome them as equal and sovereign partners. For Territories that did not choose independence, however, the United States also supported the right of people in those Territories to a full measure of self-government, including the rights to integration and free association. The United States expressed its view that the world encompassed a variety of peoples, places and political circumstances and that richness did not allow for just one path. It believed that a single standard of decolonization should not be applied to every Territory and called upon all Member States to respect the choices made by residents of Non-Self-Governing Territories.

C. Consideration by the United Nations

46. On 8 December 2005 the General Assembly adopted without a vote resolutions 60/117 A and B. Section I of resolution 60/117 B is devoted specifically to American Samoa.

Notes

[1] The information contained in the present working paper has been derived from published and Internet sources.

[2] www.fema.gov/regions/ix/amsamoa.

[3] www.cia.gov/cia/publications/factbook.

[4] See Pacific Business Center Program, University of Hawaii, American Samoa, Economic Environment at www.hawaii.edu/pbcp/services/servicearea/asamoa.htm.

[5] *Samoa News*, 21 December 2005, "Congressman Faleomavaega seeks re-election, already receiving contributions".

[6] ibid., 7 November 2005, "Effort to repeal US Congress approving local constitution".

[7] Press release, 9 February 2006, at www.house.gov/apps/list/press/as00_faleomavaega/hr4182hearingrequest.htm.

[8] *Pacific Magazine*, February 2006.

[9] Bank of Hawaii, 1997 Annual Economic Report: American Samoa.

[10] BBC Monitoring Asia Pacific, 27 September 2002.

[11] *Samoa News*, 4 February 2003.

[12] Office of the Governor, state of the Territory address at the joint session of the Fono, official press release, 10 January 2005.

[13] *Samoa News*, 27 June 2005.

[14] "Government faces being named a high-risk grantee", Pacific Notes, March 2005.

[15] News release, Office of Insular Affairs, 4 May 2005.

[16] Office of Insular Affairs, "Report to the United States Congress", 1 December 2005.

[17] Office of the Governor, state of the Territory address at the joint session of the Fono, official press release, 9 January 2006.

[18] Office of Insular Affairs, American Samoa Business Opportunities Report, September 2004, at www.businessopportunitiesconference.com.

[19] See Office of American Samoa Congressman, press releases, 21 October 2004 and 17 February 2005, at www.house.gov/faleomavaega.

[20] "American Samoa ponders tourism future", Pacific Island Report, *Samoa News*, 22 September 2005.

[21] Radio New Zealand International.

[22] United States Department of Labor, Wage and Hour Division, Employment Standards Administration, Labor.

[23] www.house.gov/apps/list/press/as00_faleomavaega, press release, 22 June 2005.

[24] United States Department of Justice, press release, 23 June 2005, at www.usdoj.gov/opa/pr/2005/June.

[25] *Samoa News*, 4 May 2005; and Radio New Zealand International, 12 June 2005.

[26] *Samoa News*, 2 May and 20 June 2005.

[27] Ibid., 30 August 2004.

[28] FEMA press release, 17 February 2005; and FEMA national situation report, 21 February 2005.

[29] United States House of Representatives press release, 16 November 2005.

[30] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 23* (A/60/23), chap. II, annex, para. 22.